THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16198 OF 2005.

DATED 27-07-2005

Between

1.Kasi Ramu and nine others

...Petitioners

And

1.Government of Andhra Pradesh

rep. by Secretary, Revenue Dept.,

Secretariat Buildings, Hyderabad and

Two others.

...Respondents

ORDER

In this writ petition, the petitioners by way of Writ of Mandamus seek a direction to the respondents 1 to 3 not to dispossess the petitioners from the lands in S.Nos.32/3, 15/5,14,22/1,9/1,22/2,22/3,20/2,20/3,20/B1,20/B2,9/1, 6/1,2,56/1,32/4,32/1,9/1,56/4,41/1,56/2,56/5,34/4,35/3,9/1,56/6,2/1,5/1 and 56/1 situated at Madeasarlova village,Visakhapatnam Mandal, Visakhapatnam district and further direct the respondents to consider the petitioners representation for grant of ryotwari pattas under the provisions of the A.P. (Andhra Area) Estates (Abolition & Conversion into Ryotwari) Act,1948.

It is the case of the petitioners that they are Tribals and are in possession and enjoyment of various extents in S.Nos.32/3,15/5,14,22/1,9/1,22/2,22/3,20/2,20/3,20/B1,20/B2,9/1,6/1,2,56/1,32/4,32/1,9/1,56/4,41/1,56/2,56/5,34/4,35/3,9/1,56/6,2/1 and 56/1 situated at Madeasarlova village, Visakhapatnam Mandal, Visakhapatnam district. After abolition of the Estate with effect from 07-01-1949, the lands were vested with the Government for the purposes of grant of Ryotwari Pattas to the persons who are in possession from the date of abolition of the estates. It is further submitted that due to lack of education, the petitioners do not know either about the abolition of Estates or grant of Ryotwari Pattas under the said Act. Thereafter, in the year 1979, the Revenue Officials granted D form pattas instead of ryotwari pattas and thereafter the same were cancelled in the year 1993. After the cancellation of pattas, the revenue officials tried to dispossess the petitioners. Then they filed applications under Section
11-A of the Estates Abolition Act and the same were dismissed by the Joint Collector on 25-03-1995 on the ground of limitation and the revision petitions filed by the petitioners before the Director of Survey & Settlement and the Commisioner were also dismissed. Then they filed W.P.No.9038 of 1999. Pending writ petition, they also filed applications before the Government for its intervention and grant ryotwari pattas. The above writ petition was disposed of by this Court on 04-01-2003 directing the Government to consider the representations of the petitioners on merits without being in any way influence by any of the findings given earlier and after giving notice and opportunity to the petitioners. Thereafter the applications were forwarded to the Collector who issued notices on 27-01-2005 to appear either in person or through authorized agent before the Joint Collector and Settlement Officer on 18-02-2005 at 11 A.M. along with material papers relied upon by them. But the matter is adjourned from time to time and therefore, they filed this writ petition.

Considering the facts and circumstances of the case, it is seen that the 3rd respondent issued the impugned notice dated 27.01.2005 directing the petitioners to appear before the Joint Collector-cum-Settlement Officer for enquiry in regard to grant of Ryotwari pattas. Therefore, I deem it appropriate to direct the Joint Collector to expedite the enquiry and pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioners from the schedule lands.

Accordingly, the writ petition is disposed of.

27-07-2005.

Hsd